IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Criminal Writ Petition No. 1099 (M/B) of 2006

Manoj Kumar @ Rinku s/o Nathi Ram Saini
R/o House No. 5/634, Mohalla Dacotan,
Hiran Maharan Chowk,
P.S. Kotwali Saharanpur,
District Saharanpur ….. Petitioner

Versus

1. State of Uttaranchal through
Senior Superintendent of Police,
Haridwar, District Haridwar.

2. Station Officer,
Police Station Kotwali Jawalapur,
District Haridwar.

3. Ramesh Chand Mittal s/o Late Om Prakash Mittal
R/o 444 Mohalla Chaklan,
Police Station Kotwali, Jawalapur,
District Haridwar …… Respondents

Sri Parikshit Saini, Advocate for the petitioner.
Sri D.K. Sharma, Government Advocate for respondents 1 and 2.

JUDGMENT

Coram: Hon'ble Rajeev Gupta, C.J.
Hon'ble Rajesh Tandon, J.

RAJEEV GUPTA, C. J. (Oral)

Sri Parikshit Saini, Advocate for the petitioner.

Sri D.K. Sharma, Government Advocate for respondents 1 and 2.

They are heard on admission.

2. Petitioner Manoj Kuamr @ Rinku has filed this writ petition for the following reliefs:

(i) a writ, order or direction in the nature of certiorari quashing the impugned F.I.R. case crime no. 412 of 2006 U/s 363,366 of I.P.C. , Police Station Kotwali Jwalapur, District Haridwar (contained as Annexure No. 3 to the writ petition).

(ii) A writ, order or direction in the nature of mandamus commanding the respondent no. 1 and 2 not to harass the petitioner in view of the impugned F.I.R. till the collection of any credible evidence against the petitioner and till the filing of the charge-sheet.

(iii) to pass a suitable writ, order or direction in favour of the petitioners and against the respondents which this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case.

(iv) to award the cost of the present writ petition to the petitioner."

3. The petitioner is apprehending his arrest for his alleged involvement in Crime No. 412 of 2006 registered at Police Station – Kotwali Jwalapur, District Haridwar for the alleged commission of the offences punishable U/Ss 363 and 366 I.P.C.

4. Respondent no. 3 Ramesh Chand Mittal in his First Information Report has categorically named petitioner Manoj Kumar @ Rinku as one among the persons who are alleged to have kidnapped/abducted his unmarried daughter Km. Charu on 16.08.2006.

5. On due consideration of the submissions of the learned counsel for the parties and the serious nature of the allegations against the petitioner and his co-accused persons in the First Information Report, we are of the opinion that it is not a fit case for grant of any of the reliefs sought by the petitioner in this writ petition.

6. We are refraining from commenting on the merits of the case lest it may adversely affect the petitioner's case at the trial, which the petitioner is yet to face.

7. The writ petition, therefore, is liable to be dismissed and is hereby dismissed summarily.

8. With the above order, CLMA No. 11339 of 2006 also stands dismissed.

(Rajesh Tandon, J.) **(Rajesh Gupta, C. J.)**

05.09.2006 05.09.2006

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